REMARKS

Claims 77-86 were examined in the Office Action under reply. Claims 77-85 were rejected solely under the judicially created doctrine of obviousness-type double patenting over claims 9-25, 30 and 31 of U.S. Patent No. 6,054,561. This rejection is respectfully traversed. Applicants note with appreciation the withdrawal of the rejection of the previous rejections under 35 U.S.C. §112, first paragraph.

In particular, the obviousness-type double patenting rejection is traversed because U.S. Patent No. 6,054,561 has been held invalid by a court of competent jurisdiction. See, *Chiron Corporation v. Genentech, Inc.*, 70 USPQ2d 1321 (Fed. Cir. 2004). Accordingly, a Terminal Disclaimer is not necessary. Thus, all claims are now in condition for allowance.

CONCLUSION

Applicants respectfully submit that the claims define a patentable invention. Accordingly, a Notice of Allowance is believed in order and is respectfully requested.

Please direct all further written communications in this application to:

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